MINUTES OF THE HOUSE JUDICIARY STANDING COMMITTEE MEETING Room 223 - State Capitol Building

m 223 - State Capitol Buildii February 5, 2004

MEMBERS PRESENT: Rep. Ben C. Ferry, Chair

Rep. J. Stuart Adams, Vice Chair

Rep. Chad E. Bennion Rep. Katherine M. Bryson

Rep. Scott Daniels

Rep. Neal B. Hendrickson Rep. Eric K. Hutchings Rep. M. Susan Lawrence Rep. Dana C. Love Rep. Rosalind J. McGee

Rep. J. Morgan Philpot Rep. Mike Thompson

MEMBERS ABSENT: Rep. Greg J. Curtis

STAFF: Jerry D. Howe, Policy Analyst

Cherri White, Committee Secretary

NOTE: A list of visitors and handouts are filed with the committee minutes.

Representative Ferry called the meeting to order at 8:10 a.m. and called for a motion to approve the minutes of January 30 and February 3, 2004.

MOTION: Representative Love moved to approve the minutes of January 30 and February 3, 2004. The motion passed unanimously with Representatives Curtis, Hutchings, and Philpot absent for the vote.

H.B. 93 DNA Reimbursement Costs (Rep. J. S. Adams)

Representative Adams introduced the bill and explained its intent. Representative Adams also indicated there was an amendment he would like the committee to consider.

MOTION: Representative Bryson moved to amend:

1. Page 1, Line 13: After "the inmate's" insert "county"

2. Page 2, Line 38: After "the inmate's" insert "county"

3. Page 5, Line 143: After "the inmate's" insert "county"

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MOTION: Representative Bryson moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Bennion, Curtis, Hutchings, and Philpot absent for the vote.

Representative Ferry turned the chair to Representative Adams at 8:40 a.m.

H.B. 97 Protective Order Amendments (Rep. K. Holdaway)

The sponsor introduced the bill and explained its intent. He was assisted in the presentation by Rick Schwermer, Administrative Office of the Courts.

The following members of the public spoke in favor of the bill:

Robert Yates, Third District Juvenile Court Judge Kerry Beazer, Concerned Parent

Addressing concerns with the bill:

Adam Trupe, Child and Family Services,

MOTION: Representative Love moved to amend:

- 1. Page 8, Lines 229 through 233:
 - (2) Upon the filing of a petition, the clerk of the court shall:
 - 230 (a) review the records of the juvenile court, the district court, and the division to find
 - any petitions, orders, or investigations related to the child or the parties to the case;
 - 232 (b) request the records of any law enforcement agency identified by the petitioner as
 - having investigated [[-domestic violence against the petitioner or]] abuse [[-or neglect]] of the child;

The motion passed 10-1-2, with Representative Adams voting against the motion, and Representatives Curtis and Philpot absent for the vote.

MOTION: Representative Ferry moved to pass the bill out favorably as amended.

SUBSTITUTE

MOTION: Representative McGee moved to go to the next item on the agenda. The motion passed on a roll call vote. Representatives Bennion, Bryson, Daniels, Hendrickson, Hutchings, McGee, and Thompson voted in favor of the motion, Representatives Lawrence, Love, Adams,

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and Ferry voted against the motion, and Representatives Curtis and Philpot absent for the vote.

1st Sub. S.B. 24

Marriage Defined (Sen. D. C. Buttars)

The sponsor introduced the bill and explained its intent, and turned time to Representative L. Christensen for the remained of the presentation.

The following members of the public spoke in favor of the bill:

Roger Browne, Concerned Citizen Gayle Ruzika, Eagle Forum

Speaking against the bill:

Representative Jackie Biskupski Adam Bass, Concerned Citizen Michael Mitchell, Equality Utah Missy Larsen, Concerned Citizen Chris Johnson, Concerned Citizen Emily Dewey, Concerned Citizen Will Carlson, Concerned Citizen

MOTION: Representative Hutchings moved to pass the bill out favorably. The motion passed 9-2-2 with Representatives Daniels and McGee voting against the motion, and Representatives Curtis and Love absent for the vote.

Due to lack of time the following bills were not heard by the committee:

- H.J.R. 10 Joint Resolution Reaffirming the State of Utah's Commitment to the Constitution and the Bill of Rights (Rep. S. Allen)
- S.B. 118 Judiciary Amendments (Sen. L. Hillyard)

MOTION: Representative Bryson moved to adjourn. The motion passed unanimously with Representatives Curtis and Love absent for the vote. The meeting adjourned at 9:58 a.m.

Rep. Ben C. Ferry, Chair	